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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MATTHEW A IUA CRUADHLAOICH,)
 Plaintiff,)
 v.)
 JOHN E. BRYSON, Secretary of)
 Commerce, of the UNITED STATES)
 DEPARTMENT OF COMMERCE, a)
 government entity,)
 Defendant.)

No. C 12-02723 JW JSW

**DEFENDANT'S ADMINISTRATIVE
 MOTION; DECLARATION OF JUAN D.
 WALKER; AND ~~[PROPOSED]~~ ORDER TO
 RESCHEDULE CASE MANAGEMENT
 CONFERENCE AS MODIFIED**

Pursuant to Civil Local Rule 7-11, the Federal Defendant moves this Court to reschedule the Case Management Conference.¹

The Initial Case Management Conference in this matter is currently set for November 2, 2012, at 1:30pm, and Case Management Statements are due on October 26, 2012. (Dkt. No. 9.) On September 21, 2012, Defendant received the Complaint in this matter via certified mail. (Dkt.

¹ This motion is not accompanied by a stipulation because Defendant's counsel could not reach Plaintiff prior to the last date for filing to have the Case Management Conference rescheduled. Defendant's efforts to obtain a stipulation are described in the Declaration of Juan D. Walker In Support of Defendant's Administrative Motion to Reschedule Case Management Conference.

No. 10.) Accordingly, Defendant response to the Complaint is not due until November 20, 2012. FRCP 12(a)(2). As the Defendant is still evaluating the case and will not have a response on file prior to the currently scheduled Case Management Conference, the Defendant respectfully requests that the Court reschedule the Initial Case Management Conference to November 30, 2012 at 1:30pm with the Case Management Conference Statements due on November 23, 2012. In this way, the issues will be joined, so the Case Management Statements will be more meaningful and the Case Management Conference will be more productive for the Court and parties.

DATED: October 19, 2012

MELINDA L. HAAG
United States Attorney

/s/
JUAN D. WALKER
Assistant United States Attorney
Attorneys for Federal Defendant

Declaration of Juan D. Walker In Support of Defendant's Administrative Motion to Reschedule Case Management Conference

I, Juan D. Walker, declare as follows:

1. I am an Assistant United States Attorney, am admitted to practice law before this Court, and make this declaration in support of Defendant's Administrative Motion to Reschedule Case Management Conference. The statements contained in this declaration are within my personal knowledge.
2. On October 19, 2012, I called Plaintiff to ask him to stipulate to reschedule the case management conference date in this matter. However, no one answered the telephone, so I left a voice mail message identifying myself and asking him to call me, so we could stipulate to reschedule the case management conference.

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DEFENDANT'S ADMINISTRATIVE MOTION; DECLARATION OF JUAN WALKER; AND
[PROPOSED] ORDER TO RESCHEDULE CASE MANAGEMENT CONFERENCE

3. As of the time of e-filing this administrative motion, Plaintiff has not returned my call.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 19, 2012 at San Francisco, California.

/s/


Juan D. Walker

~~PROPOSED~~ ORDER

The Court, having considered the briefing on defendant's administrative motion, hereby orders that the Initial Case Management Conference currently set for November 2, 2012 at 1:30 p.m., is rescheduled for ^{December 7, 2012} ~~November 30, 2012~~ at 1:30 p.m. The Initial Case Management Conference will be held in Courtroom 11 on the 19th Floor of 450 Golden Gate Avenue, San Francisco, California. Case Management Statements will be due 5 courts days prior to the Initial Case Management Conference, on ~~November 23, 2012~~. November 30, 2012.

IT IS SO ORDERED.

Dated: October 29, 2012


JEFFREY S. WHITE
United States District Judge

DEFENDANT'S ADMINISTRATIVE MOTION; DECLARATION OF JUAN WALKER; AND
~~PROPOSED~~ ORDER TO RESCHEDULE CASE MANAGEMENT CONFERENCE

C-10-0647-LB